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Attorney for Defendant:
KENNETH MARTIN KYLE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)	CASE NO. CR 10 0245 JSW
Plaintiff,)	
)	JOINT STATUS CONFERENCE
- against -)	STATEMENT
)	DATE: December 1, 2011
KENNETH MARTIN KYLE)	TIME: 2:00 P.M.
)	COURTROOM: 11
Defendant.)	

The Prosecution and the defense have been working to resolve Mr. Kyle's case. They do so with the Court's comments of October 13, 2011 very much in mind.

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1 While the Court did not give an indication of the sentence that it believed
2 would be appropriate in this case, the Court noted that it was not inclined to impose a
3 life sentence. Mr. Kyle has engaged Linda Kahn, who is an actuary. Ms. Kahn will
4 provide an estimate of Mr. Kyle's life expectancy. We will want her report to be as
5 complete and accurate as possible.

6 It took a long time to identify and engage an actuary for the task. Almost all
7 actuaries who were consulted worked for large companies and were interested in large
8 assignments. This is a very small project for such people.

9 Given the pending holidays, Ms. Kahn expects her report to be complete no
10 later than the middle of January, 2012.

11 The parties are also in the process of obtaining current information about Mr.
12 Kyle's health.

13 This information will help the parties to find a new resolution of this case
14 which will provide a sentence which we hope will expire before Mr. Kyle's life expires.

15 Both the prosecution and the defense are prepared to appear on December 1,
16 2011. If the Court wishes to postpone that hearing on its own motion, the parties will
17 not object, and proposed a further status hearing on January 19, 2012. Mr. Bigeleisen
18 has a vacation scheduled for December 17, 2011 through January 1, 2012.

19 The parties also stipulate that time should be excluded from the Speedy Trial
20 Act Calculations from December 1, 2011, through January 19, 2012, or through the next
21 date following December 1, 2011, that the Court sets for appearance in this matter,
22 whichever is longer. The parties stipulate that granting the continuance would allow the
23 reasonable time necessary for effective preparation of defense counsel, taking into
24 account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties
25 agree that the ends of justice served by granting such a continuance outweighed the best
26

1 interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §
2 3161(h)(7)(A).

3 SO STIPULATED.

4 MELINDA HAAG
United States Attorney

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6 DATED: 11/28/2011

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OWEN P. MARTIKAN
Assistant United States Attorney

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9 DATED: 11/28/2011


DAVID MICHAEL BIGELEISEN
Attorney for Kenneth Martin Kyle

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